

STATEMENT OF
CAPTAIN DUANE WOERTH, PRESIDENT
AIR LINE PILOTS ASSOCIATION, INTERNATIONAL
BEFORE
THE SUBCOMMITTEE ON AVIATION
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC
AUGUST 25, 2004

THE 9/11 COMMISSION REPORT: REVIEW OF
AVIATION SECURITY RECOMMENDATIONS

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Good morning. I am Duane Woerth, President of the Air Line Pilots Association International. ALPA is the world's largest pilot union, representing more than 64,000 pilots who fly for 42 airlines in the U.S. and Canada.

We applaud the Committee for holding this hearing and we appreciate the opportunity to provide our views on the work and aviation-specific recommendations of the 9/11 Commission. I also congratulate Secretary Lehman and his colleagues for their yeoman efforts in holding many hearings and listening to many witnesses in the development of their landmark report.

GENERAL

Congressman James Oberstar, the ranking member of this Committee, wrote a thought-provoking opinion piece in the August 2, 2004, edition of *Aviation Daily*. In it, he recalled serving on the Pan Am 103 Commission in 1990, the group that investigated the security deficiencies exploited by terrorists to down a B-747 over Lockerbie, Scotland in 1988. Mr. Oberstar wrote, The Pam Am 103 Commission stated in its report that "the first line of defense against civil aviation terrorism is the collection of accurate and timely intelligence concerning the intentions, capabilities, and actions of terrorists."

Regrettably, there was no definitive action taken to ensure that this line of defense was strengthened as that Commission recommended, and it is only now being given serious attention.

The article concludes, “Had the security and intelligence recommendations of the Pam Am 103 Commission been followed, our nation very likely would not have been vulnerable to the Sept. 11 attacks. We now must heed the 9/11 Commission’s recommendations. We cannot afford to repeat history – yet again.”

Mr. Oberstar did not, but could have, also referred to some of the neglected recommendations of the 1997 White House Commission on Aviation Safety and Security, also known as the Gore Commission. One example is a recommendation that government and industry “ensure that all passengers are positively identified and subjected to security procedures before they board aircraft.” Some of the 19 hijackers of 9/11 were, now famously, videotaped going through the security checkpoint. Had the terrorists been properly identified as dangerous or suspicious individuals, in addition to being screened at the checkpoint, it is very possible that one or more of the hijackings could have been thwarted. The 9/11 Commission report states that, “analyzing their characteristic travel documents and travel patterns could have allowed authorities to intercept 4 to 15 hijackers and more effective use of information available in U.S. government data bases could have identified up to 3 hijackers.”

We conclude that Mr. Oberstar has good reason to be concerned that history will repeat itself yet again; and we have a duty to act decisively to prevent it. The 9/11 Commission opined, “Bin Laden and Islamic terrorists mean exactly what they say: to them America is the font of all evil, the ‘head of the snake,’ and it must be converted or destroyed.” Even so, not everyone in this country fully appreciates what the Commission understands: we are at war, and likely will be at war for many years to come, with a shrewd, hateful, and ruthless enemy who is determined to destroy us. The airline industry has proven to be an effective target in the enemy’s war against this country, and there are indications, such as the recent attempted purchase of a shoulder-launched missile in Albany, New York, that terrorists have not changed their opinion about its vulnerability. Therefore, we must continue to change our methods, training, and technologies to keep one step ahead of the dynamic and deadly threat that we face.

We cannot adequately prepare for the next type of attack if we focus our attention only on defeating the tactics that were most recently used against us.

Nor can we afford to throw billions of dollars at every conceivable threat, because we run the risk of creating an escalation factor that works decidedly in our enemy’s favor. If terrorists know that by spending a few thousand dollars we will spend 10,000 or 100,000 times more in order to counter every specific threat, they can easily bankrupt this country. We must be smarter than that and use our resources wisely. We would note that the carriers do not have the financial wherewithal to assume responsibility for expensive, new security measures, nor should they be expected to shoulder that burden. As the Committee is well aware, many airlines are in dire financial straits – the rising price of fuel, the continued impacts of the war, the effects of fierce competition between the so-called legacy carriers and new, low-cost entrants, and other factors continue to create a sea of red ink for our largest airlines. Airline pilots have done much to invest in the future of their companies during these troubled times – by giving back significant

portions of their salaries, reducing benefits and working longer hours – and they are being called upon to do even more. But we are at war, and we must change our modes of operation substantially until the threat of terrorism is abated.

Before 9/11, the airlines were responsible for providing and overseeing many of the aviation security measures required of them. Since then, there has been some movement toward greater government involvement in this arena, notably as regards the purchase of explosive detection systems. ALPA urges the Administration and Congress to recognize that the government's military and law enforcement organizations are the proper defenders of our transportation system – including our airlines-in time of war.

SPECIFIC RECOMMENDATIONS

I would like to now focus on three specific security issues and ALPA's recommendations pertaining to each.

Intelligence Gathering, Assessment, and Use

Several articles on the subject of a flight from Detroit to Los Angeles on which 14 Syrian musicians behaved very strangely have generated much publicity recently. According to publicized reports, they made numerous trips into the lavatories, congregated together outside of them, took bags of items into the lavs which they did not bring back with them to their seats, refused to take their seats when instructed to do so, and acted in other ways that terrified a journalist and some of her fellow travelers on that flight.

While the particulars and the actual severity of that event are a matter of some debate, we can confirm from our members' anecdotal reports that airline security and operations are being tested. We know of instances of passengers feigning illness, which has the appearance of an attempt to determine how cabin crews and law enforcement on the airplane will react to incidents. There have been reports of individuals who have run toward the flight deck door, possibly to draw out any Federal Air Marshals onboard. And, as happened on the flight with 14 Syrians, we have heard of other individuals staying inside of lavatories an excessive amount of time and refusing to come out.

We recently recommended to the DHS Office of Inspector General that the agency take disciplinary action against passengers who intentionally violate flight and cabin crews' directions or in any way attempt to test airline security and FAM responses to incidents. These individuals should, at minimum, be placed on the selectee list, and if their behavior is sufficiently egregious, they should be placed on the no-fly list.

Unfortunately, we are not able to provide data or trend information on the number of incidents or suspicious events. What is missing is an effective and well-managed intelligence effort that uses pilots, flight attendants, airport and airline employees and passengers as the "eyes and ears" of security. TSA has seen an increase in the number of reported suspicious events, but because there is no organized intelligence collection and management apparatus in place, it cannot determine whether this is due to an increase in

the number of events, a greater awareness level by passengers, or both. The FAM Service and the TSA have email addresses and phone numbers that can be used to collect information about security incidents, but it is our understanding that they receive few reports. Further, although the airlines can and do collect incident reports from their employees, our members do not generally have confidence that the information provided to them will be used in a meaningful way.

We believe that airline pilots and other airline and airport employees can help address this problem. Our members fly to every corner of the globe every day of the year and, because of their great familiarity with the aviation environment, have the ability to detect anomalies within it. To that end, we have had several discussions with DHS and TSA personnel about the need for developing an enhanced data collection effort, but to date, no system has been created which will satisfy industry needs.

To address this issue, we have urged the DHS to create an incident reporting mechanism with the following attributes:

- Security incident information from airline pilots, flight attendants, domiciled airport and airline employees, and passengers should be collected by the DHS or TSA. Intelligence collection could be accomplished relatively inexpensively, by providing minimal awareness training and reporting mechanisms. At a minimum, phone numbers and email addresses should be well publicized to crews, other employees and passengers, so that reports can be made to the authorities as soon as practical.
- Optimally, this information should be made available in real-time, so that the individuals in question can be interviewed and/or arrested before they leave the aircraft or area. If the captain is made aware of suspicious events as they occur, he or she can determine whether it is necessary to call for law enforcement support to meet the aircraft on the ground. Aviation security incident reports should be analyzed in conjunction with intelligence received by all other sources, not assessed solely in relation to other aviation-related reports. There were a variety of threat indicators present before the 9/11 hijackings, many of which were seen outside of the aviation environment.
- The Commission report's executive summary states, "No one working on these late leads in the summer of 2001 connected them to the high level of threat reporting. In the words of one official, no analytic work foresaw the lightning that could connect the thundercloud to the ground." An assessment of threat and risk should be determined using the intelligence derived from aviation and non-aviation sources, in order to "connect the dots" and learn what terrorists are planning to do.
- Those assessments should be used, in turn, to produce security policy, threat assessments, security directives, information circulars and other reports to those with a need to know. These reports should be provided to all those with a need to know, which should include pilots and airline security personnel.
- Parties with a "need to know" should, but does not currently, include airline pilots.

The use of intelligence is equally important to its collection and analysis, because it drives awareness of what our enemy is planning, or may plan, to do and helps our members take appropriate precautions. Unfortunately, there is a dearth of security information reaching pilots, in some measure because (1) the airlines are not getting much threat information themselves and (2) because the airlines are reluctant to share what they get with pilots. Anecdotal reporting indicates that the amount and quality of security-related information that pilots receive from their companies is decidedly underwhelming. Most report the information received as “poor” or worse – at many airlines, even information from the TSA that can be made available to pilots, such as security directives and information circulars, is withheld. Some carriers post information on a bulletin board, which greatly limits the number of pilots who will see it.

These problems notwithstanding, however, we know that satisfactory arrangements can be made for timely dissemination of security directives and other “need to know” information, because at least one non-ALPA airline and its pilot group have done so, with TSA’s approval. After 9/11, the pilot group began working with the company’s manager of crew security on a plan to disseminate this information. Although the concept initially met with some resistance, the corporate security department ultimately agreed to cooperate and make it a reality.

Working with the corporate security department and the TSA’s Principal Security Inspector (PSI), a system was devised which provided for timely dissemination of certain Security Directives and Information Circulars to the pilot group, while protecting the integrity of the information. When the company receives a new TSA document, they share it with the pilot group’s security committee chairman. Together, they review the document and determine if it pertains to the pilot membership. If it does, the document is posted in its original form on a secure partition within the company’s website (i.e., a secure website within a secure website). Although the company’s director of corporate security was initially skeptical of the plan, the company is now pleased with its implementation.

The TSA’s expressed policy is to give the carriers discretion over whether they share security information with their pilots; we believe that this policy must change in order to include operating crewmembers on the airline’s security “team.” In order to preclude any liability concerns, we would support threat and other security-related information being provided directly to our members from the government.

Positive Identification of Passengers and Crews, Determination of Intent

Well before 9/11, ALPA was the only aviation industry group calling for the creation of highly secure identification systems for employees and passengers. Fundamental security can never be obtained in the absence of positively determining a person’s identity, their trustworthiness, and access authority that takes both into consideration. Access control systems at airports have been in place since the early 1990’s, and they provide those three benefits for domiciled airline and airport employees. Still needed are systems that will

provide the same benefits for transient employees and airline travelers, to allow us to focus on suspicious persons and those about whom little or nothing is known.

Accordingly, we support the 9/11 Commission's recommendations for a biometric entry-exit system for travelers, and improving passport standards. ALPA participated in an *ad hoc* symposium sponsored by Johns Hopkins University in December 2002 to discuss the need for enhancing identity management. One outcome of that symposium was agreement among participants that the federal government has a role to play in creation of identity management standards. It was further noted that the states have broadly varying standards for issuance of birth certificates and drivers licenses. If the birth certificate can be compromised, a person's genuine identity is very difficult to determine. These are issues that must be resolved if we are to create highly secure and uncompromised identification media and systems.

ALPA also supports the creation of the TSA's Transportation Worker Identification Card (TWIC) system and we have been providing input on it to the agency for approximately two years. We are pleased that a contract was recently signed to begin the prototype system, and we look forward to helping the agency define the uses of the card in order to maximize its effectiveness. One of our expectations and recommendations is that pilots be screened electronically at checkpoints and other portals to secured areas at airports, in a manner that is consistent with their authorizations.

We have long advocated the concept of positively identifying passengers just before they board the aircraft. At one time, the TSA required passengers to provide some proof of identity prior to walking onto the airplane, but this requirement has been eliminated. Our preference is a biometric system that would automatically identify passengers as they board to eliminate the potential for someone to ride on the aircraft who did not purchase the ticket – which is a security risk – and to enhance the airline's capability to create an accurate passenger manifest.

On a related subject, ALPA is concerned that in certain areas, privacy considerations are taking precedence over well-established security measures. Three years after 9/11, our security screeners are still trained to examine each and every airline pilot, flight attendant, octogenarian, and infant for small pairs of scissors, razor blades, and other miscellaneous sharp objects. To be blunt, this is well-intended folly that is out of place in our current environment. While we certainly appreciate and support the goal of using security screening to keep explosive devices, guns and other dangerous objects off of airplanes, what is truly important is keeping dangerous people off of our airplanes. In our view, there is insufficient effort to determine the presence of hostile intent, and an over-reliance on detection and confiscation of objects.

CAPPS II was intended to provide a way to indicate the presence of hostile intent among passengers, but according to remarks made by DHS Secretary Ridge, the system is apparently doomed due to outcries from privacy advocates. This is truly ironic, because travelers' privacy is already being impacted by physical screening of their person and belongings, including removal of items of clothing and allowing total strangers to

examine the contents of their baggage. In order to overcome this hurdle, passengers should be allowed to voluntarily give the government the basic information that they need to make CAPPS II operational, which should include place of birth, so that they can have greater physical privacy at the screening checkpoint, and more importantly, so that the government can be more effective at keeping terrorists off of our airplanes.

The enthusiastic reception that TSA's prototype Registered Traveler (RT) program has received from travelers indicates that passengers appreciate the shifting balance between security and privacy, as thousands of individuals have voluntarily given personal information and biometrics in exchange for greater physical privacy and a shorter screening checkpoint queue. We urge the TSA to expand this program nationwide at the conclusion of the trial.

In addition to these measures, we have advocated the use of trained interviewers at the screening checkpoint to query suspicious passengers about their travel plans, their reasons for travel, and other particulars in order to help determine inconsistencies and the presence of hostile intent. El Al Airlines has used this technique very effectively with trained interviewers, as have Customs agents in this country, and we believe that it should be adopted by the TSA for those individuals who raise suspicions.

Integrated Security Plan

After 9/11, I and other ALPA representatives testified on numerous occasions about what security measures should be taken to protect our populace and industry from further such attacks. We have been quite successful in developing measures against suicidal hijackings, which include installation of hardened flight deck doors, the Federal Flight Deck Officer program, a revised anti-hijacking strategy and airline security training program, and other related measures. To deal with other threats, explosive detection equipment is now being used to screen nearly 100% of our checked baggage and countermeasures are being developed against shoulder-launched missiles.

However, the 9/11 Commission correctly notes, "The current efforts do not yet reflect a forward-looking strategic plan, systematically analyzing assets, risks, costs and benefits." To address this shortcoming, we recommend that DHS and TSA consult with industry stakeholders, law enforcement, and the intelligence community to develop an integrated security plan that examines, and addresses as necessary, all potential threats.

The plan should address deficiencies such as the following:

Cargo Security – Cargo airlines are permitted to operate without a comprehensive security program like that used by their passenger-carrying counterparts. Many cargo aircraft have not been fitted with hardened cockpit doors and they often are parked in non-secured areas of the airport. There is no requirement for ramp personnel or supernumerary passengers to have a criminal history record check. No screening for explosives or chemical/biological materials is required on all-cargo carriers. TSA has advised that it is preparing a Notice of Proposed Rulemaking to address cargo security.

Chemical/Biological Weapons – TSA checkpoint screeners need procedures to handle a chemical or biological weapon found within luggage. Inflight procedures are needed to train cockpit and cabin crewmembers on how to deal with a threatened, or actual, chem/bio attack.

Suicide Bomber Passengers – We are pleased that the TSA is testing passenger screening portals that can detect the presence of explosives hidden on one's person. Such explosive devices as these need not have metal components, so metal detector portals may be incapable of detecting them.

Secondary Cockpit Barriers – One major airline is in the process of equipping its entire fleet of aircraft with inexpensive, secondary, flight deck barriers. The barriers can be quickly and easily put in place prior to the cockpit door being opened, thereby affording crews and able-bodied passengers a few precious seconds to respond to a determined hijacker's attempts to breach the cockpit door. Congressman Steve Israel has introduced a bill that would mandate the installation of these doors, which ALPA supports.

MANPADS – First of all I would like to commend you Mr. Chairman, as well as, Mr. DeFazio and the other members of this subcommittee for your leadership in this area. HR 4056, which passed the House unanimously, is a common sense, pragmatic approach to this emerging threat. ALPA has been deliberating internally on the subject of countermeasures to Man-Portable Air Defense Systems (MANPADS) for several months. The response to this threat must be very carefully considered, because airborne countermeasures are tremendously expensive to purchase, maintain, and operate, and they only address one of many types of stand-off weapons. In addition to any other measures eventually taken, we believe that the government should look seriously now at developing, certifying, and funding deployment of NASA's Propulsion Controlled Aircraft (PCA) on airliners. This system, which would cost far less than an electronic MANPADS countermeasure system, would allow flight crews to fly an aircraft to a safe landing in the event of hydraulic failure or damage to flight control components.

FFDO Program – ALPA is working with members of Congress and the TSA on an ongoing basis to enhance the FFDO program. We believe that by resolving some outstanding issues, we can help increase the number of pilots who volunteer to protect the flight deck with lethal force, thereby enhancing our national security.

ALPA stands ready to provide its expertise to the DHS/TSA on the development of a comprehensive, dynamic, security plan, which addresses these, and other issues.

Mr. Chairman, thank you once again for permitting us to testify today. I would be pleased to respond to any questions that you may have.

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